

Docket No.: 428.1056

UNITED STATES PATENT & TRADEMARK OFFICE

Examiner: SAIDHA, Tekchand

Art Unit: 1652

Re: Application of: KIM, Young Tae, et al.

Serial No.: 10/551,508

Filed June 5, 2006

For: **GENE INVOLVED IN THE
BIOSYNTHESIS
OF CAROTENOID AND MARINE
MICROORGANISM, PARACOCUS
HAEUNDAENSIS, PRODUCING THE
CAROTENOID**

Confirmation No.: 8016

RESPONSE TO NOTICE TO COMPLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 20, 2009

Sir:

In response to the Notice to Comply of January 2, 2009 and the Restriction Requirement of August 22, 2008 ("Notice"), attached herewith is a substitute Computer Readable Form (CRF) copy of the Sequence Listing, together with a paper copy of the Sequence Listing. The substitute Sequence Listing includes sources of genetic materials set forth in SEQ ID Nos. 4-16, as required by the Examiner. It is urged that the substitute CRF copy is in compliance with the requirements. No substantive changes have been made to the Sequence Listing, and the required Declaration to that effect is attached.

This response is being filed with a petition for a four-month extension of time for response and the required fee. No further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. §1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as

incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275. Any deficiency or overpayment should be charged or credited to Deposit Account No. 02-2275.

Respectfully submitted,

LUCAS & MERCANTI, LLP

/Michael N. Mercanti/
Michel N. Mercanti
Registration No. 33,966

Hyun Soon Cho
Recognition No. L0306

LUCAS & MERCANTI, LLP
475 Park Avenue South
New York, New York 10016
Phone: 212-661-8000
Fax: 212-661-8002

HSC/EL

CERTIFICATE OF EFS-WEB TRANSMISSION
I hereby certify that this document is
being EFS-Web transmitted to the
Commissioner of Patents on the
date shown below.
January 20, 2009
LUCAS & MERCANTI, LLP

BY:


Elizabeth Lee